

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LVB-OGDEN MARKETING, LLC,

Plaintiff,

v.

DAVID S. BINGHAM, et al.,

Defendants.

C18-243 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The Court, having reviewed the Joint Status Report, docket no. 215, Plaintiff's *Ex Parte* Motion, docket no. 224, Defendant Henry Dean's Response, docket no. 226, the Declaration of Henry W. Dean, docket no. 227, the Declaration of Scott B. Henrie, docket no. 228, and Plaintiff's Reply, docket no. 229, treats the *Ex Parte* Motion for a Freeze as a motion for a temporary restraining order, and GRANTS Plaintiff's Motion as follows:

NOW, THEREFORE, the Court hereby ORDERS the following:

(a) The Court concludes that Plaintiff, who has already prevailed on the underlying summary judgment motion, has demonstrated a likelihood of irreparable harm, and the balance of the equities and the public interest favor a temporary restraining order preventing the dissipation of assets subject to the Court's earlier orders. *See, e.g., Selective Insurance Co. of America v. Kuan-Tsan Yu*, No. 14-5888, 2014 WL 12674384 (W.D. Wash, Nov. 21, 2014). Given the longstanding nature of the dispute between the parties, the Court finds that no bond is necessary at this time.

1 (b) No Defendant shall transfer, or cause to be transferred, any property that is
2 the subject of the Court's December 7, 2018 Order, docket no. 182, to any person or
3 entity. The property subject to the December 7 Order includes the following: (a) 42.5%
4 of the stock of Park Place Motors, Ltd.; (b) 1,263,333 shares of stock in Biolytical
5 Laboratories, Inc.; (c) the Note and Preferred Mortgage secured by the M/V Bingo in
6 favor of the SGB Trust; (d) Sharon and David Bingham's furniture, fixtures, equipment,
7 and appliances transferred pursuant to the Settlement Agreement between the SGB Trust
8 and Sharon and David Bingham; and (e) Sharon Bingham's wedding ring.

9 (c) Defendants, including Henry Dean both individually and as Trustee of the
10 SGB Trust, are enjoined from taking any action in connection with the property described
11 above, including, without limitation, purchasing it at any sale or auction, pending further
12 order of the Court.

13 (d) Defendant Dean is ORDERED to serve immediately a copy of this Order
14 on the King County Sheriff and any other person or agency that currently possesses the
15 property described in this Order. Defendant Dean is further ORDERED to file a proof of
16 such service by 12:00 p.m. (noon) on Friday, January 18, 2019.

17 (e) The Court will hold a hearing to determine whether this injunction should
18 be continued, modified, or expunged at 11:00 a.m. on Tuesday, January 22, 2019. The
19 parties should also be prepared to address whether this injunction should be applied to all
20 assets within the SGB Trust and whether any sanctions should be imposed for violations
21 of this Court's orders.

22 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
23 record.

Dated this 16th day of January, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk